

## **BILL ANALYSIS**

Senate Research Center  
79R13492 E

C.S.S.B. 1446  
By: Averitt  
Education  
4/15/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

There are several provisions in the Texas Education Code regarding admissions for public school students that need clarification and updating.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 imposed new criteria for F-1 visas. To obtain an F-1 visa, a student must limit the period of study at a public university to 12 months and must reimburse the secondary school for the full unsubsidized per capita cost of the student's education. School districts do not have legislative authority to charge this tuition, which effectively prevents students from being able to obtain an F-1 visa to attend a Texas public secondary school.

C.S.S.B. 1446 authorizes public schools to charge tuition to students who hold F-1 visas and requires the schools to report the tuition received to Texas Education Agency (TEA) so that state funding may be adjusted to avoid double funding. C.S.S.B. 1446 prohibits a school district from denying admission to a student for failure to provide such reimbursement.

The statutes on admission eligibility and pre-kindergarten eligibility refer to a federal law definition of homelessness that preceded the federal No Child Left Behind Act (NCLB). The additional definition in NCLB applies more precisely to students and should be included in the corresponding state statutes. C.S.S.B. 1446 includes references to the new definition of homelessness.

C.S.S.B. 1446 also removes language that requires a parent, guardian, or other person with legal control to enroll a child. This provision causes confusion in situations where there is no such person available to enroll a child.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 25.001(b) and (d), Education Code, as follows:

(b) Requires the board of trustees (board) of a school district or its designee to admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought if the person is a homeless child or youth, as defined by 42 U.S.C. Section 11434a.

(d) Provides that the board is not required to admit a person under this subsection if the school district is able to confirm that the person is eligible to enroll in another school under this section and meets certain criteria.

SECTION 2. Amends Section 25.002(f), Education Code, to delete existing text relating to who is required to enroll a child in a public school.

SECTION 3. Amends Subchapter A, Chapter 25, Education Code, by adding Section 25.006, as follows:

Sec. 25.006. TUITION FOR STUDENTS HOLDING CERTAIN VISAS. (a) Authorizes a school district or open-enrollment charter school, if a student is required as a condition of obtaining or holding a visa to reimburse the full, unsubsidized per capita cost of providing the student's education for the period of the student's attendance in a public school, to accept the reimbursement, but prohibits a school district or open-enrollment charter school from denying admission to a student for the failure to provide such reimbursement.

(b) Requires the commissioner of education (commissioner) to develop guidelines to be used by school districts and open-enrollment charter schools in determining the full, unsubsidized per capita cost of providing a student's education. Prohibits a district or charter school from accepting reimbursement in an amount greater than the amount computed under the commissioner's guidelines unless the commissioner approves the greater amount.

(c) Provides that the attendance of a student for whom a school district or open-enrollment charter school accepts reimbursement under this section is not counted for purposes of allocating state funds to the district.

SECTION 4. Amends Section 29.153(b), Education Code, to make a conforming change.

SECTION 5. Makes application of this Act prospective to the 2005-2006 school year.

SECTION 6. Effective date: upon passage or September 1, 2005.